BEFORE THE DEPARTMENT
OF NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * * * * * * *

IN THE MATTER OF APPLICATIONS FOR BENEFICIAL WATER USE PERMITS NOS. 45172-g41F, 49567-g41F, 53142-g41F AND 53143-g41F BY WILLIAM AND HELEN THEXTON AND NO. 49566-g41F BY FIRST MADISON GEOTHERMAL	)	ORDER

* * * * * * * * * *

Motion has been made by the parties hereto that the hearing in this matter, scheduled for Thursday, March 19, 1987, at 10:00 a.m., be vacated and continued without date. (See letter to Robert Scott from Leanne M. Schraudner, counsel for First Madison Geothermal, dated February 26, 1987, in which the initial motion for continuance was made; Motion of William and Helen Thexton, by C. Bruce Loble, dated March 18, 1987; Stipulation between Richard MacMillan a/k/a/ First Madison Geothermal and Alex G. Yenny, received March 19, 1987.) The motion is hereby granted upon agreement of the parties and for good cause shown. Administrative Rule of Montana 36.12.222(4)(g)(i).

WHEREFORE, based upon the record and file in this matter, IT IS HEREBY ORDERED, that the above-stated hearing is hereby vacated and continued until after December 1, 1988, the scheduled date of completion of appropriation pursuant to Permit No. 42666-g41F by First Madison Geothermal (Richard MacMillan), for the express reason of acquiring information as to whether

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said appropriation has been wholly completed, partially completed, or not completed within the time allocated, or within any duly authorized extension thereof. If development has not thereupon been verified as completed in the full amount authorized under the terms of Permit No. 42666-g41F, a hearing in this matter will be set forthwith. If it is verified that the development has been completed in the full amount authorized under the terms of said Permit, the Department will determine whether the Applications hereunder remain in good faith and proceed accordingly. See Section 85-2-310(3) MCA 1985.

DONE this 19 day of March, 1987.

Robert H. Scott, Hearing Examiner
Department of Natural Resources
and Conservation
1520 E. 6th Avenue
Helena, Montana 59620-2301
(406) 444 - 6625

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AFFIDAVIT OF SERVICE
MAILING

STATE OF MONTANA)
) ss.
County of Lewis & Clark)

Sally Martinez, an employee of the Montana Department of Natural Resources and Conservation, being duly sworn on oath, deposes and says that on March 23, 1987, she deposited in the United States mail, first class postage prepaid, an Order by the Department of Natural Resources & Conservation (DNRC) on the Applications for Beneficial Water Use Permits by William & Helen Thexton, Application Nos. 45172-g41F, 49567-g41F, 53142-g41F & 53143-g41F, and Application for Beneficial Water Use Permit No. 49566-g41F by First Madison Geothermal, addressed to each of the following persons or agencies:

First Madison Geothermal
Richard MacMillan
Box 761
Ennis, MT 59729

John P. Scully
Attorney at Law
Scully, Lilly,
Andriolo & Schraudner
222 East Main, Suite 301
Bozeman, MT 59715

Leanne Schraudner
Attorney at Law
Scully, Lilly,
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222 E. Main, Suite 301
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Alex G. Yenny
PO Box 748
Ennis, MT 59729

William & Helen Thexton
Box 641
Ennis, MT 59729

Bruce C. Loble
Attorney at Law
Box 176
Helena, MT 59624

R. Thomas Garrison
Attorney at Law
120 W. Wallace St.
Virginia City, MT 59755

Scott Compton, Manager
Water Rights Bureau
DNRC FIeld Office
1201 E. Main
Bozeman, MT 59715
(inter-departmental mail)

Gary Fritz, Administrator
Water Resources Division
DNRC
1520 East 6th Ave.
Helena, MT 59620
(hand-deliver)

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

by Sally Martinez

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STATE OF MONTANA)
) ss.
County of Lewis & Clark)

On this 23rd day of March, 1987, before me, a Notary Public in and for said state, personally appeared Sally Martinez, known to me to be the Hearings Recorder of the Department that executed this instrument or the persons who executed the instrument on behalf of said Department, and acknowledged to me that such Department executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for the State of Montana
Residing at Helena, Montana
My Commission expires 1-21-1990

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